

AMENDED IN SENATE APRIL 16, 2013

**SENATE BILL**

**No. 455**

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**Introduced by Senator Hernandez**

February 21, 2013

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An act to add Section 1276.35 to the Health and Safety Code, relating to health facilities.

LEGISLATIVE COUNSEL'S DIGEST

SB 455, as amended, Hernandez. General acute care hospitals: patient classification system.

Existing law establishes the State Department of Public Health and sets forth its powers and duties, including, but not limited to, the licensing and regulation of health facilities, as defined.

Existing law requires the department to adopt regulations governing the operation of a health facility, including, but not limited to, regulations that require prescribed health facilities to meet minimum nurse-to-patient ratios, and to assign additional staff according to a documented patient classification system for determining nursing care requirements. Violation of these provisions, or willful or repeated violation of the rules or regulations, is a crime.

This bill would require the department to ~~adopt, and periodically amend as needed, regulations to~~ require every general acute care hospital to establish and maintain a patient classification system ~~designed to accurately measure a patient's care needs. The bill would require the regulations to require appointment of a~~ *for establishing staffing requirements by unit, patient, and shift, and to establish a* review committee to review ~~and approve~~ the reliability of the system, and review ~~and updating~~ of the system at least annually. By changing the

definition of an existing crime, this bill would impose a state-mandate local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority. Appropriation: no. Fiscal committee: yes.  
State-mandated local program: yes.

*The people of the State of California do enact as follows:*

1 SECTION 1. Section 1276.35 is added to the Health and Safety  
2 Code, immediately following Section 1276.3, to read:

3 1276.35. (a) The State Department of Public Health shall  
4 ~~adopt regulations that~~ require every health facility licensed pursuant  
5 to subdivision (a) of Section 1250 to do all of the following:

6 (1) Establish and maintain a patient classification system  
7 ~~designed to accurately measure a patient's care needs for~~  
8 ~~establishing staffing requirements by unit, patient, and shift.~~

9 (2) Establish a patient classification system review committee  
10 to review ~~and approve~~ the reliability of the patient classification  
11 system, as follows:

12 (A) The review committee shall be appointed by the nursing  
13 administration of the facility, except as set forth in subparagraph  
14 (C).

15 (B) At least one-half of the membership of the review committee  
16 shall be composed of registered nurses who provide direct patient  
17 care.

18 (C) If the registered nurses are represented by a collective  
19 bargaining agent, the registered nurses shall be appointed by the  
20 bargaining agent.

21 (3) The patient classification system shall be reviewed ~~and~~  
22 ~~updated~~ at least annually.

23 (b) ~~The department shall periodically review and update its~~  
24 ~~regulations, as needed. No new regulations are required or~~  
25 ~~authorized for implementation of this section.~~

26 SEC. 2. No reimbursement is required by this act pursuant to  
27 Section 6 of Article XIII B of the California Constitution because  
28 the only costs that may be incurred by a local agency or school

1 district will be incurred because this act creates a new crime or  
2 infraction, eliminates a crime or infraction, or changes the penalty  
3 for a crime or infraction, within the meaning of Section 17556 of  
4 the Government Code, or changes the definition of a crime within  
5 the meaning of Section 6 of Article XIII B of the California  
6 Constitution.

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